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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on November 8, 2001.

*[Signature]*  
Attorney for Applicant(s)

PATENT  
Docket No. 4000.2.51

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Paul G. Allen, et al. )  
Serial No.: 09/934,244 / )  
Filed: August 21, 2001 )  
For: SYSTEM AND METHOD FOR MITIGATING )  
INTERRUPTIONS DURING TELEVISION VIEWING )

**TRANSMITTAL OF RESPONSE TO NOTICE TO FILE**  
**MISSING PARTS OF APPLICATION (FILING DATE GRANTED)**

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Attention: Box Missing Parts

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed September 24, 2001, enclosed please find the following items for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

- (1) a Declaration, Power of Attorney, and Petition executed by the inventors Paul G. Allen, John M. Kellum, and Robert E. Novak;

(2) a Fee Transmittal;

(3) a Credit Card Payment Form in the amount of \$2,352 to cover the filing fee for the above-identified application and the surcharge fee pursuant to 37 C.F.R. § 1.16(e).

(4) a copy of the Notice to File Missing Parts of Application - Filing Date Granted;

Please debit any additional fees, or credit any over payment, to Deposit Account No. 13-0763. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 13-0763. A duplicate copy of this sheet is enclosed.

x Any additional filing fees required under 37 C.F.R. § 1.16.

x Any patent application processing fees under 37 C.F.R. § 1.17.

x Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

Please address all future correspondence in connection with this application to the attention of the undersigned.

Respectfully submitted,



Kory D. Christensen  
Reg. No. 43,548  
Attorney for Applicant

Date: November 8, 2001

MADSON & METCALF  
900 Gateway Tower West  
15 West South Temple  
Salt Lake City, Utah 84101  
Telephone: 801/537-1700

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2002</h3> <p style="margin: 0; font-size: small;">Patent fees are subject to annual revision.</p>				<p><i>Complete If Known</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/934,244</td> </tr> <tr> <td>Filing Date</td> <td>August 21, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Paul G. Allen</td> </tr> <tr> <td>Group Art Unit</td> <td>2661</td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Attorney Docket Number</td> <td>4000.2.51</td> </tr> </table>				Application Number	09/934,244	Filing Date	August 21, 2001	First Named Inventor	Paul G. Allen	Group Art Unit	2661	Examiner Name		Attorney Docket Number	4000.2.51
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Attorney Docket Number	4000.2.51																		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27																			
TOTAL AMOUNT OF PAYMENT		\$ 2352																	

  

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																								
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Check   <input checked="" type="checkbox"/> Credit card   <input type="checkbox"/> Money Order   <input type="checkbox"/> Other   <input type="checkbox"/> None                 </div> <div> <input checked="" type="checkbox"/> Deposit Account:                      Deposit Account Number: <span style="border: 1px solid black; padding: 2px 20px;">13-0763</span>                      Deposit Account Name: <span style="border: 1px solid black; padding: 2px 40px;">MADSON &amp; METCALF</span> </div> <p style="font-size: small;">The Commissioner is authorized to: (check all that apply)</p> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Charge fee(s) indicated below   <input type="checkbox"/> Credit any overpayments                 </div> <div> <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application  <input type="checkbox"/> Charge fee(s) indicated below, <b>except for the filing fee</b> to the above-identified deposit account                 </div>	<h4>3. ADDITIONAL FEES</h4> <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>130</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2520</td> <td>147</td> <td>2520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1840*</td> <td>113</td> <td>1840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1440</td> <td>218</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1960</td> <td>228</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1510</td> <td>138</td> <td>1510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - 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late filing fee or oath	130	127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2520	147	2520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1840*	113	1840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1440	218	720	Extension for reply within fourth month		128	1960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1510	138	1510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1280	241	640	Petition to revive - unintentional		142	1280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____					
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FEE CALCULATION					
<b>1. BASIC FILING FEE</b>					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>740</b>
<b>2. EXTRA CLAIMS FEES FOR UTILITY AND REISSUE</b>					
Extra Claims Fee from below					Fee Paid
Total Claims	65	-20** =	45	x	18 = 810
Ind. Claims	11	-3** =	8	x	84 = 672
Multiple Dep. Claims			0	x	140 = 0
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>1482</b>

  

<b>SUBTOTAL (3)</b>		<b>130</b>
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\*\*or number previously paid, if greater; For Reissues, see above      \*Reduced by Basic Filing Fee

SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name		Kory D. Christensen		Reg. Number	43,548
Signature				Date	Nov 8, 2001
				Deposit Account User ID	

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/934,244	08/21/2002	Paul G. Allen	4000.2.51

21552  
MADSON & METCALF  
GATEWAY TOWER WEST  
SUITE 900  
15 WEST SOUTH TEMPLE  
SALT LAKE CITY, UT 84101



CONFIRMATION NO. 6487

## FORMALITIES LETTER



\*OC000000006593202\*

Date Mailed: 09/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1450.
  - \$810 for 45 total claims over 20.
  - \$640 for 8 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2290.**
- The English translation fee of \$ .00 as set forth 37 CFR 1.17(k) was not paid.

A copy of this notice **MUST** be returned with the reply.

01/15/2002 MBERHE 00000010 09934244

01 FC:101  
02 FC:105  
03 FC:103  
04 FC:102

740.00 OP  
130.00 OP  
810.00 OP  
672.00 OP

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE